

Notice of Allowability

Application No.

10/727,751

Examiner

Jessica Laux

Applicant(s)

GORMAN, CHRIS

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 05/21/2007.
2. ☒ The allowed claim(s) is/are 1,3-10,12-18 and 20-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Scott Smiley on July 30, 2007.

The application has been amended as follows:

- - Claim 1 (currently amended): A shim, comprising:

a body portion; and

an arm portion including arms defining a slot therebetween and having:

a transverse extent; and

a longitudinal extent longer than the transverse extent and extending longitudinally from the body portion, each arm having a wave shape, the shape and direction of the wave of each arm traveling along the longitudinal extent, the arms being of a thickness and of a material that allows them to compress and elastically return substantially to their initial wave shape after a compressive force is removed; and

further comprises a tab attached to said body at a side opposite said wave-shaped extending arms. - -

- - Claim 10 (currently amended): A shim, comprising:

a body portion; and

an arm portion including arms defining a slot therebetween and having:

a transverse extent; and

a longitudinal extent longer than the transverse extent and extending longitudinally from the body portion, each arm having a wave shape, the shape and direction of the wave of each arm traveling along the longitudinal extent, the arms being of a thickness and of a material that allows them to compress and elastically return substantially to their initial wave shape after a compressive force is removed and wherein each of the wave-shaped bodies are removably attached to at least one other one of the wave-shaped bodies; and

further comprises a tab attached to each of said bodies at a side opposite said wave-shaped extending arms. - -

- - Claim 18 (currently amended): A method for shimming an element, which comprises the following steps:

inserting at least one shim into a gap between and defined by the element and an adjacent structure, the at least one shim including:

a body portion; and

an arm portion including arms defining a slot there between and having:

a transverse extent; and

a longitudinal extent longer than the transverse extent and extending longitudinally from the body portion, each arm having a wave shape, the shape and direction of the wave of each arm traveling along the longitudinal extent, the arms being

Art Unit: 3635

of a thickness and of a material that allows them to compress and elastically return substantially to their initial wave shape after a compressive force is removed; and further comprises

fully inserting the shim between the two elements by utilizing a tab attached to the shim; and

subsequently separating the tab from the shim. - -

- - cancel claims 2, 11 and 19 - -

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or suggest a wave shaped shim having a wave shaped arm where the direction of the wave travels along the longitudinal extend and where the shim further comprises a tab.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 6:30am to 2:30pm (est).

Art Unit: 3635

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL
07/30/2007



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER